

U. S. DEPARTMENT OF LABOR
Employees' Compensation Appeals Board

In the Matter of YOLANDA O. BASKIN and U.S. POSTAL SERVICE,
POST OFFICE, Stanford, Conn.

*Docket No. 97-543; Submitted on the Record;
Issued December 3, 1998*

DECISION and ORDER

Before GEORGE E. RIVERS, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether appellant has met her burden of proof to establish that she sustained an injury on June 1, 1993 in the performance of duty causally related to factors of her federal employment.

On February 22, 1995 appellant, then a 25-year-old distribution clerk, filed an occupational disease claim alleging that she sustained medial epicondylitis and ulnar neuropathy of the right hand commencing in June 1993 which she attributed to the keying activity required in her job.

By decision dated November 6, 1995, the Office of Workers' Compensation Programs denied appellant's claim for compensation benefits on the grounds that the evidence of record failed to establish that she had sustained an injury in June 1993 causally related to factors of her federal employment.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.¹ The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion

¹ See Victor J. Woodhams, 41 ECAB 345, 352 (1989).

evidence.² Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant,³ must be one of reasonable medical certainty,⁴ and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁵

The Board finds that appellant has failed to meet her burden of proof to establish that she sustained an injury on June 1, 1993 causally related to factors of her employment.

In a treatment verification form dated July 16, 1993, Dr. Jay Horn, a Board-certified internist, diagnosed right upper extremity spasm secondary to repetitive motion and indicated a restriction against repetitive hand or arm movement for one week. However, he did not provide a rationalized medical opinion explaining how appellant's condition was causally related to factors of her employment and therefore this report does not establish that appellant sustained an injury to her right hand in the performance of duty.

In a report dated August 31, 1993, Dr. Evangelos D. Xistris, a Board-certified neurologist provided the results of a nerve conduction study and an electromyogram (EMG) and stated that the EMG was consistent with early right ulnar neuropathy at the elbow. However, he did not provide a rationalized medical opinion as to the cause of this condition. Therefore, this report is not sufficient to discharge appellant's burden of proof to establish an employment-related injury.

In a treatment verification form which was undated, Dr. D. Baxter, a physician whose specialty is not indicated in the record, diagnosed medial epicondylitis and mild ulnar neuropathy (cubital tunnel syndrome) and indicated that appellant could return to regular duty on October 15, 1993 with no repetitive hand or arm movement. As Dr. Baxter did not provide a rationalized medical opinion explaining how this condition was related to appellant's employment, this report is not sufficient to establish that appellant sustained an employment-related injury.

In an undated note received by the Office on August 25, 1995, Dr. Horn diagnosed right ulnar neuropathy and stated, "[the] [right] ulnar neuropathy in [August 1993] was probably related to occupation at that time." However, his opinion is speculative and insufficiently rationalized and is therefore not sufficient to discharge appellant's burden of proof.

² The Board has held that in certain cases, where the causal connection is so obvious, expert medical testimony may not be necessary; see *Naomi A. Lilly*, 10 ECAB 560, 572-73 (1959). The instant case, however, is not a case of obvious causal connection.

³ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁴ See *Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁵ See *James D. Carter*, 43 ECAB 113 (1991); *George A. Ross*, 43 ECAB 346 (1991); *William E. Enright*, 31 ECAB 426 (1980).

The November 6, 1995 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.
December 3, 1998

George E. Rivers
Member

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member